

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

**TALECRIS BIOTHERAPEUTICS, INC. and
BAYER HEALTHCARE LLC.,**

Plaintiffs,

v.

**BAXTER INTERNATIONAL INC. and
BAXTER HEALTHCARE
CORPORATION,**

Defendants.

Civil Action No. 05-349-GMS

Jury Trial Demanded

**BAXTER HEALTHCARE
CORPORATION,**

Counterclaimant,

v.

**TALECRIS BIOTHERAPEUTICS, INC.
and BAYER HEALTHCARE LLC,**

Counterdefendants.

PLAINTIFFS' PROPOSED SPECIAL VERDICT FORM

We, the jury, unanimously find as follows:

1. PATENT INFRINGEMENT

- (a) Has Talecris proven by a preponderance of the evidence that Baxter literally infringes any of the following claims of United States Patent No. 6,686,191?

	YES, infringement	NO, no infringement
Claim 1	_____	_____
Claim 7	_____	_____
Claim 8	_____	_____
Claim 9	_____	_____
Claim 10	_____	_____
Claim 12	_____	_____
Claim 15	_____	_____
Claim 16	_____	_____
Claim 17	_____	_____
Claim 18	_____	_____
Claim 19	_____	_____
Claim 20	_____	_____

- (b) Has Talecris proven by a preponderance of the evidence that Baxter infringes, under the doctrine of equivalents, any of the following claims of the '191 patent?

	YES, infringement	NO, no infringement
Claim 10	_____	_____
Claim 12	_____	_____
Claim 15	_____	_____
Claim 16	_____	_____

2. **WILLFUL INFRINGEMENT**

Please answer question 2 if you find that Baxter infringes any claim of the '191 patent.

Question No. 2: Willful Infringement

Has Talecris proven by clear and convincing evidence that Baxter willfully infringed the '191 patent?

YES, willful infringement_____

NO, no willful infringement ____

3. INVALIDITY

No matter how you answered questions 1 and 2, please answer the following questions regarding invalidity.

A. Anticipation**Question No. 3(a)**

Has Baxter proven by clear and convincing evidence that any of the following asserted claims of the '191 patent are invalid because the claim is anticipated by the prior art?

	YES, invalid	NO, valid
Claim 1	_____	_____
Claim 7	_____	_____
Claim 8	_____	_____
Claim 9	_____	_____
Claim 10	_____	_____
Claim 12	_____	_____
Claim 15	_____	_____
Claim 16	_____	_____
Claim 17	_____	_____
Claim 18	_____	_____
Claim 19	_____	_____
Claim 20	_____	_____

Please go on to the next question.

B. Obviousness

Question No. 3(b)

Has Baxter proven by clear and convincing evidence that any of the following asserted claims of the '191 patent are invalid because the claim is obvious?

	YES, invalid	NO, valid
Claim 1	_____	_____
Claim 7	_____	_____
Claim 8	_____	_____
Claim 9	_____	_____
Claim 10	_____	_____
Claim 12	_____	_____
Claim 15	_____	_____
Claim 16	_____	_____
Claim 17	_____	_____
Claim 18	_____	_____
Claim 19	_____	_____
Claim 20	_____	_____

Please go on to the next question.

C. Written Description

Question No. 3(c)

Has Baxter proven by clear and convincing evidence that any of the following asserted claims of the '191 patent are invalid because the claim lacks written description?

	YES, invalid	NO, valid
Claim 1	_____	_____
Claim 7	_____	_____
Claim 8	_____	_____
Claim 9	_____	_____
Claim 10	_____	_____
Claim 12	_____	_____
Claim 15	_____	_____
Claim 16	_____	_____
Claim 17	_____	_____
Claim 18	_____	_____
Claim 19	_____	_____
Claim 20	_____	_____

Please go on to the next question.

D. Indefiniteness

Question No. 3(d)

Has Baxter proven by clear and convincing evidence that any of the following asserted claims of the '191 patent are invalid because the claim is indefinite?

	YES, invalid	NO, valid
Claim 1	_____	_____
Claim 7	_____	_____
Claim 8	_____	_____
Claim 9	_____	_____
Claim 10	_____	_____
Claim 12	_____	_____
Claim 15	_____	_____
Claim 16	_____	_____
Claim 17	_____	_____
Claim 18	_____	_____
Claim 19	_____	_____
Claim 20	_____	_____

Please go on to the next question.

4. DAMAGES

If you find that Baxter has infringed any valid claim of the '191 patent, please answer the following questions.

Question No. 4(a)

What amount of damages, if any, has Talecris proven it is entitled to receive from Baxter based on sales of GAMMAGARD® LIQUID from September 26, 2005 to the present date?

\$ _____

Question No. 4(b)

What reasonable royalty, if any, has Talecris proven by a preponderance of the evidence?

_____ %

* * *

Each juror must sign this verdict form to reflect that a unanimous decision has been reached.

Dated:

FOREPERSON

CERTIFICATE OF SERVICE

I hereby certify on this 14th day of May, 2007 I electronically filed the foregoing **Plaintiffs' Proposed Special Verdict Form** with the Clerk of Court using CM/ECF which will send notification of such filing to the following:

Philip A. Rovner, Esquire Potter Anderson & Corroon LLP Hercules Plaza P. O. Box 951 Wilmington, DE 19899 (302) 984-6140 provner@potteranderson.com	Susan Spaeth, Esquire Townsend and Townsend and Crew LLP 379 Lytton Avenue Palo Alto, CA 94301-1431 (415) 576-0200 smspaeth@townsend.com
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I also hereby certify that a true copy of the foregoing document was served upon the following in the manner indicated on May 14, 2007.

<u>Via Hand Delivery and E-Mail</u> Philip A. Rovner, Esquire Potter Anderson & Corroon LLP Hercules Plaza P. O. Box 951 Wilmington, DE 19899 (302) 984-6140 provner@potteranderson.com	<u>Via Federal Express and E-Mail</u> Susan Spaeth, Esquire Townsend and Townsend and Crew LLP 379 Lytton Avenue Palo Alto, CA 94301-1431 (415) 576-0200 smspaeth@townsend.com
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/s/ Jeffrey B. Bove
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